

**ST. GEORGE CITY COUNCIL MINUTES  
REGULAR MEETING  
JULY 10, 2014, 5:00 P.M.  
CITY COUNCIL CHAMBERS**

**PRESENT:**

**Mayor Jon Pike  
Councilmember Jimmie Hughes  
Councilmember Michele Randall  
Councilmember Joe Bowcutt  
Councilmember Bette Arial  
City Manager Gary Esplin  
City Attorney Shawn Guzman  
City Recorder Christina Fernandez**

**EXCUSED:**

**Councilmember Gil Almquist**

**OPENING:**

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Councilmember Bowcutt and the invocation was offered by Carmella Fitzpatrick.

Mayor Pike introduced the SOUP Group.

Brad Johnson with the SOUP Group thanked the City for their support. They presented the City with a check for \$22,638. To date, they have donated over \$120,000 to help fund the cost to build pickleball courts. He mentioned that today's donation is to fund additional lighting at the Little Valley Park pickleball courts.

Mayor Pike introduced Terri Kane, the Vice President Southwest Region of Intermountain Healthcare and CEO of Dixie Regional Medical Center.

Ms. Kane provided and reviewed the 2013 Statistics & Accomplishments for Dixie Regional Medical Center. She mentioned that the hospital now has neurosurgeons on staff and will be expanding to 24/7 trauma calls in early September.

**PUBLIC HEARING/IMPACT FEE FACILITIES PLAN/ORDINANCE:**

**Public hearing to receive input and consider approval and adoption of the proposed Impact Fee Facilities Plan, the Impact Fee Analyses and the Impact Fee Ordinance.**

Mayor Pike advised that Impact Fees are one way the City receives revenue to help with the growth of the City. Approximately every 5 or 6 years, the Impact Fees are looked at. In March of 2014, a public meeting was held at the Police Department, most of which covered impact fees. Since that time, there have been additional meetings that allowed for public input. Additionally, the information has been posted on the City's website.

City Manager Gary Esplin stated that Impact Fees are taken seriously. Staff analyzes and tries to predict what will happen within the next 5 years. Capital Facilities plans that are presented are based on growth.

Mayor Pike opened the public hearing.

Mauri Smith, the Executive Officer of SUBHA, read a statement thanking the City Council for including them in the Impact Fee process. Additionally, the statement asked that the impact fees not be increased continuously as the building industry is still recovering from one of the worst recessions on record.

Mayor Pike mentioned that the overall Impact Fees are being reduced, however the City is charging 100% of what could be charged.

Mayor Pike closed the public hearing.

Councilmember Hughes stated this was a comprehensive and informative process. He appreciates all those who have helped with the process.

**MOTION:** A motion was made by Councilmember Hughes to approve the ordinance for the Impact Facilities Plan and Impact Fee ordinance.

**SECOND:** The motion was seconded by Councilmember Arial.

City Attorney Shawn Guzman clarified that this is to amend and update the Impact Fees.

**AMENDED MOTION:** Councilmember Hughes amended his motion to also approve to amend and update the Impact Fees.

**SECOND:** The amended motion was seconded by Councilmember Arial.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Hughes - aye  
Councilmember Randall - aye  
Councilmember Bowcutt - aye  
Councilmember Arial - aye

The vote was unanimous and the motion carried.

**AMENDED FINAL PLAT/ORDINANCE:**

**Consider approval of an ordinance amending the final plat for the Crown Point Amended to merge lots 6 and 7 into one lot. Keri & Lawrence Rodriguez, applicants.**

Todd Jacobsen presented a request amending the final plat for the Crown Point Amended located at 584 South Dixie Drive, zoning is PD-R. The purpose of the amendment is to merge lots 6 and 7 into one lot. There are no existing easements that need to be vacated and each lot is owned by the same individual, therefore no public hearing is required.

**MOTION:** A motion was made by Councilmember Randall to approve the final plat amendment to merge lot 6 and 7 into one lot.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Hughes - aye  
Councilmember Randall - aye  
Councilmember Bowcutt - aye  
Councilmember Arial - aye

The vote was unanimous and the motion carried.

**FINAL PLATS:**

Todd Jacobsen presented the final plats Desert Plateau Phase 1, a 17 lot residential subdivision located at approximately 3400 East 6150 South, zoning is PD-R and The Plaza at Sunbrook Phase 1, a 2 lot residential commercial subdivision located at 360 North and Dixie Drive, zoning is C-3. With regard to The Plaza at Sunbrook Phase 1, there will be a cost sharing agreement with the City to install a block wall. With regard to Desert Plateau Phase 1, it was decided to keep the open space with the HOA.

**MOTION:** A motion was made by Councilmember Hughes to approve the final plats with the notes and conditions from the Planning Commission.

**SECOND:** The motion was seconded by Councilmember Randall.  
**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Hughes - aye  
Councilmember Randall - aye  
Councilmember Bowcutt - aye  
Councilmember Arial - aye

The vote was unanimous and the motion carried.

**BUILDING DESIGN CONCEPTUAL SITE PLAN:**

Ray Snyder presented a building design conceptual site plan for Meadows Memory Care. He presented a powerpoint presentation outlining the plan.

Councilmember Bowcutt stated that the owners and developers have improved the plans to meet what the Planning Commission wanted to see at the site.

Councilmember Arial inquired how many beds are proposed to be in the facility.

Mr. Snyder stated that there will be 48 beds at this facility.

**MOTION:** A motion was made by Councilmember Hughes to approve the building design conceptual site plan for Meadows Memory Care.

**SECOND:** The motion was seconded by Councilmember Arial.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Hughes - aye  
Councilmember Randall - aye  
Councilmember Bowcutt - aye  
Councilmember Arial - aye

The vote was unanimous and the motion carried.

**FINAL PLAT:**

**Consider approval of final plat for Villa Highlands at Hidden Valley Phase 1, a 15-lot residential subdivision located at approximately Athens Drive and Rome Drive.**

Todd Jacobsen presented the final plat for Villa Highlands at Hidden Valley Phase 1, a 15-lot residential subdivision located at approximately Athens Drive and Rome Drive, zoning is PD-R. The final plat was heard at the Planning Commission on April 8, 2014. There was an issue with a privacy wall built in the right-of-way which has been resolved.

**MOTION:** A motion was made by Councilmember Arial to approve the final plat for Villa Highlands at Hidden Valley Phase 1.

**SECOND:** The motion was seconded by Councilmember Hughes.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Hughes - aye  
Councilmember Randall - aye  
Councilmember Bowcutt - aye  
Councilmember Arial - aye

The vote was unanimous and the motion carried.

**BUSINESS LICENSE REVOCATION DISCUSSION AND DECISION:**

**Discuss and issue a decision on the appeal of Mike's Smoke, Cigar & Gifts 2<sup>nd</sup> business license revocation.**

City Attorney Shawn Guzman advised that at a previous City Council meeting, an appeal was heard regarding the 2nd business license revocation for Mike's Smoke, Cigar & Gifts located at 1973 West Sunset Boulevard. He read portions of the revised draft findings. He commented that there is a pending appeal on the first revocation on the District Court's decision - to remand the case back to the City. Staff's position is that the appeal to the District Court by the business, is not a de novo review, but a review of the record of the proceedings held before the Council.

Mayor Pike wished to clarify that these are findings and at some point there should be a motion to approve, modify the findings, or otherwise direct the City Attorney.

Councilmember Hughes stated that this is a statement of facts learned. He wanted to know what the City Council is being asked to do. Additionally, he asked what happens to the first appeal if it is decided to revoke the license a second time.

City Attorney Shawn Guzman advised that if the findings are approved, the appeal of the first revocation will remain.

Councilmember Hughes inquired what new things were discussed since the first revocation. With any ordinance, the main concern is compliance. The easy thing would be to approve the 2<sup>nd</sup> revocation. It is clear to him, that there was an attempt to sell these substances, which do harm to people who smoke it. He asked if there have been additional issues since the initial revocation.

City Attorney Shawn Guzman stated that his office is not aware of any.

Councilmember Randall commented that she believes the owners were aware of what was going on at the business and complicit in the actions that took place. She is in favor of revoking the license.

Councilmember Hughes asked if the license is revoked, what is to stop them from opening a new shop under a different name.

City Attorney Shawn Guzman advised that per City ordinance, tobacco specialty sales are limited to pharmacies, gas station C stores and large businesses such as Walmart or a large grocery store. The two remaining smoke shops are operating under a grandfathered provision. Additionally, he pointed out that the State of Utah adopted changes to State law regarding smoke shops for similar situations taking place in northern Utah. This revocation is not due to tobacco sales, rather for the sale of items that are illegal for anyone to possess.

Councilmember Bowcutt stated he has challenges with making his decision. He is a recovering alcoholic and has smoked cigarettes for numerous years. He believes that those in charge of the business had to have known what was going on.

Mayor Pike stated he is pro business, but the Council has the responsibility to uphold the laws as well as looking out for the public safety and welfare of the citizens. This is a difficult situation.

**MOTION:** A motion was made by Councilmember Randall that the license be revoked and to accept the findings as presented.

**SECOND:** The motion was seconded by Councilmember Arial.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Hughes - aye  
Councilmember Randall - aye  
Councilmember Bowcutt - aye  
Councilmember Arial - aye

The vote was unanimous and the motion carried.

**UPDATE BILLING POLICY NUMBER 10.87:**

**Consider approval to update the utility billing policy number 10.87.**

Rene Fleming explained that the billing policy is what defines the billing procedures for the utility office to operate and for crew costs. The update includes amending notices for past due accounts and damage of meters, making the property owners responsible for the cost to replace the meters.

**MOTION:** A motion was made by Councilmember Randall to update the utility billing policy.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Hughes - aye  
Councilmember Randall - aye  
Councilmember Bowcutt - aye  
Councilmember Arial - aye

The vote was unanimous and the motion carried.

**COOPERATIVE AGREEMENT:**

**Consider approval of a Cooperative Agreement with UDOT Division of Aeronautics for FAA Grant 03-49-0060-024 to facilitate the next LOI payment of \$11,000,000.**

City Manager Gary Esplin stated that the Council has previously approved the grant agreement with the Federal government. This agreement allows the State to accept the LOI money and disburse it to the City. This will be the second to the last payment.

**MOTION:** A motion was made by Councilmember Bowcutt to approve the Cooperative Agreement with UDOT Division of Aeronautics for the FAA Grant to facilitate the next LOI payment of \$11,000,000.

**SECOND:** The motion was seconded by Councilmember Arial.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Hughes - aye  
Councilmember Randall - aye  
Councilmember Bowcutt - aye  
Councilmember Arial - aye

The vote was unanimous and the motion carried.

**ADJOURN TO CLOSED SESSION:**

**MOTION:** A motion was made by Councilmember Randall to adjourn to a closed session to discuss land purchase.

**SECOND:** The motion was seconded by Councilmember Hughes.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Hughes - aye  
Councilmember Randall - aye  
Councilmember Bowcutt - aye  
Councilmember Arial - aye

The vote was unanimous and the motion carried.

Roxanne Graham, the Program Director of the Private Activity Bond Board for the State of Utah and Scott Hirschi, Director of the Washington County Economic Development Council updated the Mayor and City Council on a private company proposing to relocate to St. George.

The consensus of the Councilmembers is to have the company supply, in written form, an estimate cost in order to progress to the next step.

Jason Burningham with Lewis Young Robertson & Burningham, Inc. provided a handout covering the General Obligation Refunding Bonds, Series 2014 final pricing overview for July 9, 2014. The bonds are being issued for the purpose of refunding the City's outstanding General Obligation Park and Recreation Refunding Bonds, Series 2004 and paying expenses incurred in connection with the insurance of the bonds. The interest rate on the 2004 bonds is approximately 4.5%, however, the 2014 bonds will be issued at 1.46%, saving the City approximately \$800,000. GO Bonds can be used for projects specific to parks and recreation. The Standard and Poor's rating report recently upgraded the City to AA, the highest rating is AAA. In terms of savings, the City was rated AA-, saving the City approximately \$80,000.00. The ratings are an indication of the City's prudent fiscal management.

City Manager Gary Esplin stated that he credits Deanna Brklacich and Philip Peterson for the financial state of the City. Last year, the City was in the market to sell bonds, however the market turned overnight. The current budget includes funds allocated for the All Abilities Park. Additionally, there are funds from the sale of City property, Park Impact Funds, donations, and bond savings to fund the All Abilities Park.

**ADJOURN:**

**MOTION:**

A motion was made by Councilmember Arial to adjourn.

**SECOND:**

The motion was seconded by Councilmember Randall.

**VOTE:**

Mayor Pike called for a vote, as follows:

Councilmember Hughes - aye  
Councilmember Randall - aye  
Councilmember Bowcutt - aye  
Councilmember Arial - aye

The vote was unanimous and the motion carried.